

No. 2 Dec Sessions, 190

COMMONWEALTH

versus

Vacate & Supply
Public Road in
Sandy Twp.

Rd. #4 - Page 507

Charge

North end - Rt. 17350

WILLIAM I. SWOOPE,
DISTRICT ATTORNEY.

↑
CREEK
3020
Jeff. Co. Start
1906
Giff. Co.
1907
Stop

5

Clfo. Co. Sandy Twp.
Conf. Absol. Feb. 1906.
33' t. -- 13 ft.

Beginning at the Falls Creek to
Dubois Road - starting at a point
1460 t. from the bridge over Slab
Run running under coal tipples of
the Falls Creek Coal Co.,

*F.W. Curtis investigated & reports
North end - Rt. 17350*

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 14 day of Sept., A. D. 1905, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Sandy, in said county, setting forth that

in pursuance of proceedings had in this Court at No. 4 of January Sess. 1894, a Public Road was laid out and opened, and is now in use in the said Sandy Twp. from a point on the Jefferson Co. line in the Town of Falls Creek on the Northeastly side of the Allegheny Valley Railroad and running thence by various courses and distances, approximately parallel with said railroad to a point on the bank of Clear Run in the Western boundary line of the Borough of S. Basis, and near the Hilltop Mine and that a portion of said, to wit: that portion thereof lying between a point about 100 ft. E. of Slab Run and a point about 100 ft. N. from the first run or brook crossing said public road, at a distance of about 1800 feet East of Slab Run (and which said brook is located in the first ravine East of the Coal Mine now operated by the Falls Creek Coal Co.) is burdensome and inconvenient and therefore praying the Court to appoint proper persons to view Vacate and Supply the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint C. B. Alexander, Leander Deanning, and W. J. Stoffer who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to View Vacate and Supply the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose land said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated land through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

Roll B. Thompson
Clerk.

RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the _____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said _____ all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 190_____:

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To _____ the sum of _____
To _____ the sum of _____
To _____ the sum of _____

Witness our hands this _____ day of _____ A. D. 190 .

No damages
allowed

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~to vacate & supply public~~ Road leading from
a point about 100 ft. E. of Slab Run

in *Sandy* Township, to *a point about 100 ft. W. from the first Run or Brook crossing said public road at a distance of about 1800 ft. east of Slab Run (and which said Brook is located in the first ravine east of the Coal Mines now operated by the Falls Creek Coal Co.)*

in *Sandy* Township, in the county aforesaid, will meet at the house of *Evergreen Hotel*, in *Sandy*

Township, on *Tuesday*, the *10* day of *October* A. D. 190*5*, at *1³⁰* o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

L. Henning

W. J. Hoffer

Viewers.

Oct. 4, 190*5.*

Unwin accepted

Dec 4, 1906

~~W. W. W. W.~~
car

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ^{Public} ~~to vacate & supply~~ Road leading from a point about 100 ft. E. of Slab Run

in Sandy Township, to a point about 100 ft. W. from the first Run or Brook crossing said public road at a distance of about 1800 ft. east of Slab Run (and which said Brook is) located in the first ravine east of the Coal Mines now operated by the Falls Creek Coal Co., in Sandy Township, in the county aforesaid, will meet at the house of Evergreen Hotel Falls Creek, in Sandy Township, on Tuesday, the 10 day of October A. D. 1905, at 1:30 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

L. Henning

W. J. Hoffer

Viewers.

Oct. 4, 1905.

Service Accepted Oct 5-1805.

J. M. Reuzinger

To H. Walburn

Supervisors of
Sandy Trp.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~to vacate & supply~~ Public Road leading from a point about 100 ft. E. of Slab Run

in Sandy Township, to a point about 100 ft. W. from the first Run or Brook crossing said public road at a distance of about 1800 ft. east of Slab Run and which said Brook is located in the first ravine east of the coal mine now operated by the Falls Creek Coal Co.

in Sandy Township, in the county aforesaid, will meet at the house of Evergreen Hotel Falls Creek, in Sandy

Township, on Tuesday, the 10 day of October, A. D. 1905, at 1:30 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

L. Denning

W. J. Hoffman

Viewers.

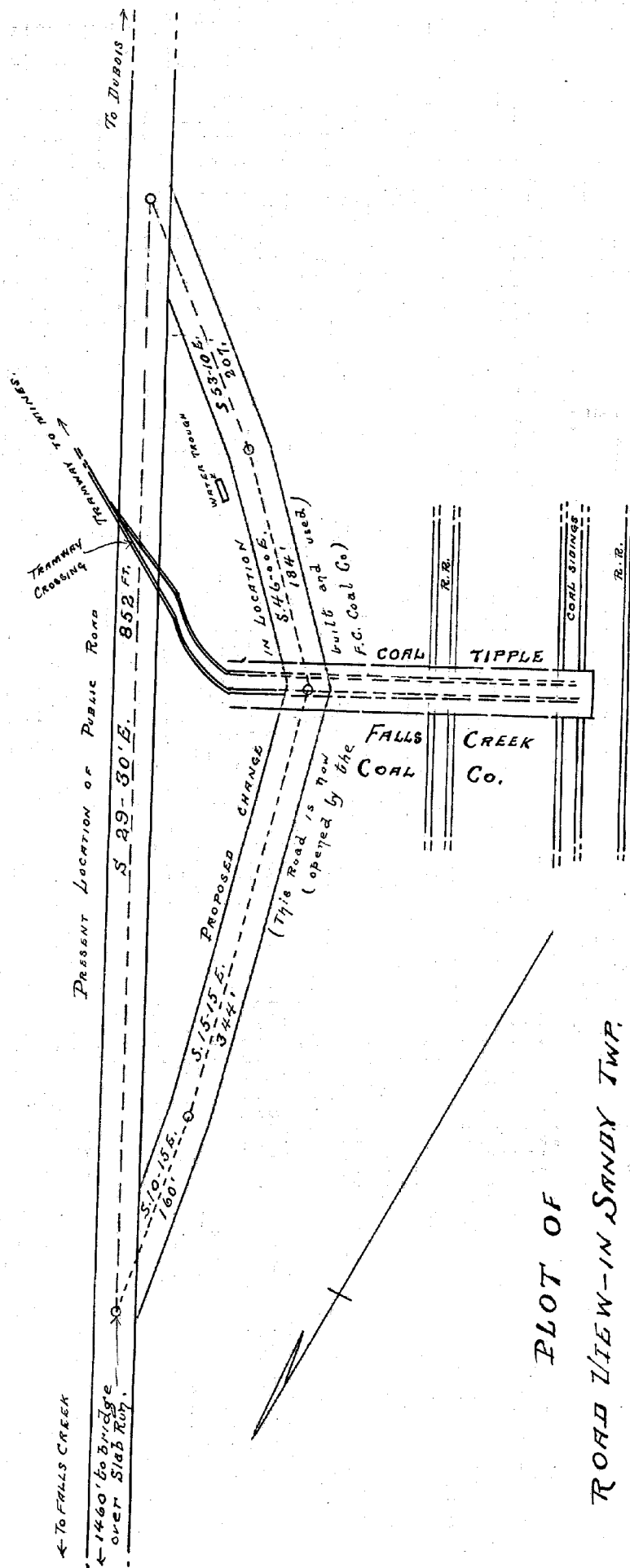
Oct 4th, 1905.

Service Accepted

A.C. Hopkins Property Holder

by O.E. Amos
Atty

Oct 5-1905



PLOT OF
 ROAD VIEW-IN SANDY TWP.
 Clearfield Co. Pa.

Scale 1" = 100 ft. Surveyed Oct. 1865.

Viewers: { C.B. Alexander,
 L. Denning,
 W.J. Hoffer.

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT
of quarter sessions of Clearfield County, Pennsylvania.

We the undersigned Viewers for public road herein mentioned, respectfully report that we gave good and lawful notice of said view to the County Commissioners of Clearfield County, to the Supervisors of S Sandy Twp., to property holders along route of said view, and notices were posted in vicinity of view all according to law. Copies of notices with signatures are herewith attached.

On Tuesday, October 10th. 1905 your viewers met as appointed and being severally affirmed, proceeded to receive testimony and to view for public road as herein mentioned.

Your viewers have found that the conditions of the crossing of the public road over ^{the roadway of} the Falls Creek Coal Company to be unfavorable to the safe and convenient passage of the travelling public, and that a convenient road of equally good grade under the coal tipple has been substituted by the aforementioned Coal company. Further Mr. W.J.H. Leahey Agent for Mr. A.C. Hopkins, President of the Falls Creek Coal Co., agreed before your Viewers that should the bents of the coal tipple between which the new road passes be at any time found inconvenient or too narrow for the safe and convenient passage of the travelling public, the Coal Company would agree to widen the bents at this point a reasonable distance, on demand of the Supervisors of Sandy Township. (The present distance between these bents is 14 feet).

Further Mr. Leahey, acting for Mr. Hopkins of the Coal Co. agrees to turn the new road over to Sandy Township without condition other than the vacation of the "old road", the roadway of which is understood to revert to Mr. A.C. Hopkins through whose lands the road passed.

These adjustments being satisfactory to the Supervisors of Sandy Twp., to Mr. Herron, Esq. representing the citizens of Sandy Township, and to Mr. Leahey, Agent for Mr. A.C. Hopkins, your viewers would respectfully recommend that the old road beginning at a point 1460 feet South from the bridge over Slab Run and running thence S. 29-30 E. 352 feet to a point at junction of new road, be vacated, and that new road running under coal tipple beginning at 1st. named point also a junction of the new and old roads and running thence S10-15 E. 160 feet, Thence S. 15-15E 344 feet to a point; Thence S. 46-00 E. 184 feet to a point; Thence S. 53-10 E. 207 feet to previously named junction point of old road all being 33 feet wide be substituted or supplied,

PROVIDING Mr. A.C. Hopkins or said Falls Creek coal Co. will waive all claims for cost for building said new road and widening tipple bents if necessary and furnish gratis the necessary 33 feet of roadway required for the said new road as promised and agreed, the vacated strip of roadway to revert to Mr. A.C. Hopkins the original owner.

A plot of these roads is hereunto attached and made a part of this report.

WITNESS our hands, this 27 day of October A.D. 1905.

C. B. Alexander

VIEWERS.

W. J. Hooffer

L. Humming

NOTE:—In case of a private road, the release must be executed in favor of the petitioner for said road.
 Also—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.
 Reviewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the reviewers.
 N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

AMOUNT.			
<i>E. B. Alexander</i>	Days 4	16	
	Miles 33	330	
<i>Leander Dunning</i>	Days 2	40	
	Miles 22	350	
<i>W. J. Heffer</i>	Days 2	40	
	Miles 33	330	
	Days		
	Miles		
	Days		
	Miles		

No 2. Sec Sessions, 1905

ORDER

To view Vacated Highway a road for Public use in the township of Sandy, Clearfield County

At Sessions, 1905, read and confirmed N. S. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

W. J. Heffer
Almon C. Smith
 By the Court
 Atty W. 1906 confirmed
 absolutely - By the Court
Almon C. Smith

Filed 190

FILED
 OCT 27 1905
 ROY A. THOMPSON,
 CLERK.

Mr. *W. H. Walburn*,

Sandy Township, Clearfield Co., Pa.,
September 6, 1905.

Supervisor of Sandy Township:

You are hereby notified that on Thursday, September 14th, at 9 A. M., a petition will be presented to the Court of Quarters Sessions of Clearfield County, Pa., asking for the appointment of Viewers to vacate and supply a portion of the road leading from Falls Creek to DuBois, and being the Northern road between the said towns.

W. J. Leahy
Attorney for Petitioners.

Clearfield County, SS:

Personally appeared before me, W. J. Leahy, who being duly sworn according to law says he served a true copy of the above notice and made known the contents thereof to *W. H. Walburn* Supervisor of Sandy township, Clearfield County, Pa., on *Sept. 8, 1905*.

Sworn and subscribed to
before me, Sept. 9th 1905.

W. J. Leahy
W. J. Leahy

Sandy Township, Clearfield Co., Pa.

September 6, 1905

Mr. - *J. M. Reasinger*
Supervisor of Sandy township:

You are hereby notified that on Thursday, September 14th, at 9 A. M., a petition will be presented to the Court of Quarter Sessions of Clearfield County, Pa., asking for the appointment of Viewers to vacate and supply a portion of the road leading from Falls Creek to DuBois, and being the Northern road between the said towns.

W. J. Leahy
Attorney for Petitioners.

Clearfield County, SS:

Personally appeared before me, W. J. Leahy, who being duly sworn according to law says he served a true copy of the above notice and made known the contents thereof to *J. M. Reasinger* Supervisor of Sandy township, Clearfield County, Pa, *Jan Sept 9, 1905.*

Sworn and subscribed to
before me, Sept. 7, 1905.)

W. J. Leahy
J. M. Reasinger

IN THE COURT OF QUARTER SESSIONS
OF THE COUNTY OF CLEARFIELD.

In re Petition to Vacate and Supply)
a Public Road in Sandy Township.) : No. ^{September}~~August~~ Sessions, 1905.

PETITION.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned inhabitants of and property-holders in the Township of Sandy, in the County of Clearfield, respectfully represents:

That, in pursuance of proceedings had in this court at No. 4 February Sessions, 1894, a public road was laid out, opened, and is now in use in the Township of Sandy and County of Clearfield, from a point on the Jefferson County line in the Town of Falls Creek, on the northerly side of the Allegheny Valley Railroad, and running thence, by various courses and distances, approximately parallel with said railroad, to a point on the bank of Clear Run, in the western boundary line of the Borough of DuBois, and near the Hildrupp Mine, and that a portion of said road, to wit: -that portion thereof lying between a point about one hundred (100) feet east of Slab Run and a point about one hundred (100) feet west from the first run, or brook, crossing said public road, at a distance of about eighteen hundred (1800) feet east of Slab Run, (and which said brook is located in the first ravine east of the coal mine now operated by the Falls Creek Coal Company,) is burdensome and inconvenient, for the reason that the grades upon the portion

of the said road above described are heavy and excessive, and for the further reason that a coal mine is now being operated on the northern side of said road, and the coal is being taken out therefrom, and hauled and carried across said road at grade, in order that the same may be shipped by railroad.

Your petitioners further represent that better grades and location for said public road may be had, if the portion thereof between the points above described were changed, and located at the base of the hill, parallel with the northern boundary line of the right of way of the Allegheny Valley Railroad; and, that, if the said public road be so changed in location, the crossing thereof at grade, in transporting the coal from the mines adjacent to said road, to points of shipment on the railroads, may be avoided.

And the owners of the adjoining premises have agreed to waive all claim for damages, in case the location of the portion of the road above described be changed as above set forth.

Your petitioner, therefore, pray the court that the location of the portion of the said road between the points above described be changed in the manner as hereinabove set forth, and that the portion of the present road so changed and supplied, shall be vacated, and that the court shall appoint viewers, and make such further orders in the premises as it shall deem proper.

And your petitioners will ever etc.

names

D. F. Swab
M. R. Schaffner
J. C. Weaver
Jno H Parker
J. T. Gray
J. M. Schmitt
Fred Farber.
Wm Shealey.
Wm D Cozy
Wm Minors
George Minno Jr.

names

J. B. Narter
S. B. Shaffer
J. A. Gidding
W. W. Britton
William Collins
Thos. Dequan
M. W. Chenneth
M. P. Barker
A. J. Murray
M. C. King.
Robert Minns
Thos. Thomas
D. Botwell

We, the undersigned owners of all the land upon which the portion of the road herein described is located, as well as the land upon which it is proposed said public road as changed shall be located, desire to have the change in location made, and the portion of the present road vacated, in accordance with the foregoing petition, and we hereby, in consideration of One Dollar unto each of us paid, the receipt of which is hereby acknowledged, waive and release all right and claim to damages in case the same shall be done.

WITNESS our hands and seals this 28th day of June,
A. D. 1905.

Witnesses:

J. A. Shaffer

A. C. Hopkins (SEAL)

J. W. Hickey

Charles H. McKee (SEAL)

September
No. ~~August~~ Sessions, 1905.
No. 2 Dec. 1905
In re Petition to Vacate and
Supply a Public Road in Sandy
Township.

P E T I T I O N .

Just now Sept. 1905
Petition made & signed
and 6.15. Alameda
Remond & Sonning, and
W. J. Hoffer
and are applicants drivers
& asked to report from

By W. J. Hoffer
SEP 14 1905
ROLL B. THOMPSON,
CLERK

Alameda
Rep for Road

1905. C. Hoffer
1905. W. J. Hoffer, and
James H. Hoffer.